

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE

STATE OF NEW MEXICO on the
Relation of State Engineer,

Plaintiff,
v.

RAMON ARAGON, et al.

Defendants.

69cv07941-BB-ACE
RIO CHAMA STREAM
SYSTEM

Section 7

Subfiles

CHRU-004-0039

CHRU-003-0001

MOTION FOR EXTENSION OF TIME

COMES NOW DEFENDANT HOPE MINER and, in accordance with Rule 7 of the Federal Rules of Civil Procedure, and Rule 7.2 of the Local Civil Rules of the United States District Court for the District of New Mexico, Defendant Hope Miner moves that pending deadlines set in the Pretrial Order for Section 7, Subfiles CHRU004-0039 and CHRU-003-0001, issued February 17, 2005, be extended two months, and in support thereof states:

1. The Special Master issued a Pretrial Order on February 17, 2005 setting deadlines for Section 7, Subfiles CHRU-004-0039 and CHRU-003-0001;
2. The Pretrial Order set August 23, 2005 as the deadline to file and provide to opposing parties the names of witnesses and identification of exhibits, with exhibits provided to opposing parties. (Pretrial Order at 3.)
3. The Pretrial Order set September 27, 2005 as the deadline to file and provide to opposing parties the names of rebuttal witnesses. (Pretrial Order at 4.)

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4. The Pretrial Order set October 25, 2005 as the deadline for completion of discovery. (Pretrial Order at 2.)

5. Defendant Norm Vogt, Inc. has not filed names of witnesses or identified exhibits, nor has he provided exhibits to Defendant Hope Miner, nor has he filed the names of rebuttal witnesses.

6. Defendant Hope Miner was not able to identify rebuttal witnesses or arrange for depositions as a result of Defendant Norm Vogt, Inc.'s noncompliance with the Pretrial Order.

7. Counsel for Defendant Hope Miner contacted counsel for Defendant Norm Vogt, Inc. on September 30, 2005, and again on October 13, 2005, regarding the required filings and service, but received no response.

8. Counsel for Defendant Hope Miner contacted counsel for Defendant Norm Vogt, Inc., again on October 24, 2005 regarding a Motion for Order Compelling Disclosure by Defendant Norm Vogt, Inc. Counsel for Defendant Norm Vogt, Inc., indicated that the disclosures would be made by October 28, 2005.

9. A two month extension in the rebuttal witness filing deadline, the close of discovery, and all subsequent deadlines given in the Pretrial Order is needed to complete discovery after the disclosures are made, and to prepare dispositive motions and to prepare for hearings.

10. Counsel for Defendant Norm Vogt, Inc. concurs in this Motion.

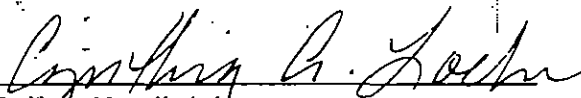
11. Counsel for the State of New Mexico was contacted regarding this Motion and does not oppose it.

12. Counsel for Defendants Elizabeth T. Peralta and Alfred O. Peralta was contacted regarding this Motion and does not oppose it.

WHEREFORE, Defendant Hope Miner requests that the Court grant her Motion and extend the rebuttal witness filing deadline, the close of discovery, and subsequent deadlines in the Pretrial Order for two months, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

LEWIS and ROCA JONTZ DAWE, LLP

By 

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CERTIFICATE OF SERVICE

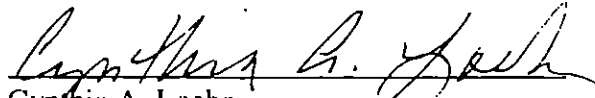
I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to the following on this 25th day of October, 2005:

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